

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/26/2037

Re: Property at Flat 5, 40 Esslemont Avenue 2FR, Aberdeen, AB25 1SP ("the Property")

Parties:

JPPA Properties Ltd, Office 2 30/2 Eskbank Office, Complex Hardengreen, Industrial Estate, Dalkeith, EH22 3NX ("the Applicant")

Mr Scott David Labrum, 40 Esslemont Avenue, 2FR Flat 5, Aberdeen, AB25 1SP ("the Respondent")

Tribunal Members:

Andrew Cowan (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an eviction order should be granted.

Background

1. This is an application for an eviction order in regard to a Private Residential Tenancy ("PRT") made in terms of rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (as amended) ("the Rules"). The PRT is between the Parties and relates to the Property. The tenancy commenced on 30th October 2023.
2. The application relies upon a Notice to Leave dated 31st March 2026, issued in terms of section 52 of the Private Housing (Tenancies) (Scotland) Act 2016. The notice was served upon the Respondents by email on 31st March 2026, all in accordance with the provisions of the PRT. The Notice relied upon Ground 12 of Schedule 3 of Part 1 of the 2016 Act, in that "the tenant has been in rent arrears for three or more consecutive months". The Notice to

Leave intimated that an application to the Tribunal would not be made before 2nd May 2026.

3. The Application papers included evidence that a section 11 notice, in terms of the Homelessness Etc. (Scotland) Act 2003, had been served upon Aberdeen City Council.

Case Management Discussion

4. A Case Management Discussion ("CMD") took place by teleconference on 12th October 2026. The Applicant was represented at the CMD by Ms Maxine Card of Martin and Company, the Applicant's letting agents.
5. The Respondent did not join the CMD call. The Tribunal were satisfied that the Application, and details of the CMD, had been intimated upon the Respondent by Sheriff Officers on 25th August 2026. The Tribunal was satisfied that the Respondent had been given reasonable notice of the date, time and place of the CMD and that the requirements of rule 24(1) of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Procedure Rules") had been duly complied with. In the circumstances the Tribunal proceeded with the application in accordance with rule 29 of those Procedure Rules.
6. The Respondent did not lodge any written submissions with the Tribunal prior to the date of the CMD.

Findings in Fact and Law

7. The Applicant let the Property to the Respondent under a Private Residential Tenancy with commencement on 30th October 2023 ("the Tenancy"). The rent charged under the tenancy agreement is £600 per month.
8. The Applicant has issued a Notice to Leave dated 31st March 2026 in terms of section 52 of the Private Housing (Tenancies) (Scotland) Act 2016. The notice was served upon the Respondent by email dated 31st March 2026.
9. The Applicant has raised proceedings for an order for eviction with the Tribunal, under Rule 109, relying on Ground 12 of Schedule 3 of Part 1 of the 2016 Act, in terms of an Application to the Tribunal dated 17th May 2026.
10. A section 11 notice in the required terms of the Homelessness Etc. (Scotland) Act 2003 was served upon Aberdeen City Council.
11. From March 2025 onwards the Respondent has failed to make full payments towards ongoing monthly rent or towards the rent arrears accrued.

12. As at the date of the CMD the amount of the rent arrears due by the Respondents under the terms of the tenancy is £7878.90
13. The Applicant's letting agents have made reasonable efforts to engage with the Respondent in relation to the Respondent's failure to pay the rent due. The Respondent has failed to respond to the Applicant's letting agents on these matters in any substantive manner.
14. The Applicant has complied with the requirements of the Rent Arrears Pre-Action Requirements Regulations.
15. For three or more consecutive months the Respondents have been in arrears of rent.
16. It is reasonable to issue an eviction order.

Reasons for Decision

17. The Tribunal were satisfied on the basis of the application and supporting papers that the Notice to Leave had been competently drafted and served upon the Respondent.
18. The Tribunal were satisfied that it had had sufficient information upon which to make a decision at the CMD, having considered the written and oral representations made on behalf of the Applicant. The Rules allow, at rule 17(4), for a decision to be made at a CMD as at a hearing before a full panel of the Tribunal.
19. Ground 12 of Schedule 3 to the 2016 Act (as amended and applying to this application) states that:
 - (1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months....
and that...
 - (3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—
 - (a) for three or more consecutive months the tenant has been in arrears of rent, and
 - (b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.
20. The Tribunal were satisfied, on the uncontested evidence provided, that the Respondent has been in arrears of rent for three or more months. Ms Card explained to the Tribunal that the Respondent has accrued arrears of £7878.90 as at the date of this hearing. The Respondent has been consistently in arrears of rent from March 2025. On that basis the Tribunal determined that paragraph 3(1)(a) of Ground 12 was satisfied.

21. At the CMD the Tribunal asked Ms Card for evidence that the Landlord had complied with the requirements of the Rent Arrears Pre-Action Requirements Regulations. During the CMD, Ms Card provided the tribunal with copies of emails which had been sent to the respondent. The emails were dated:

- a. 29th April 2025,
- b. 20th May 2025,
- c. 17th June 2025
- d. 4th July 2025 and
- e. 10th October 2025.

Those emails included Information provided to the Respondent as to how he might access information and advice in relation to financial support and debt management.

22. At the CMD, Ms Card also provided the Tribunal with a copy of an e-mail, addressed to the Applicant's letting agents, from Aberdeen City Council (housing access and support department) dated 12th December 2025. That e-mail confirmed that the local authority was supporting the Applicant by providing him with advice in relation to possible benefit applications and other financial options. Ms Card confirmed that no further contact had been made by the local authority in relation to that matter following that e-mail of 12th December 2025.

23. At the CMD Ms Card referred to the most recent rent statement which had been made available to the Tribunal and which showed that by the 4th September 2026 the Respondent was in arrears of rent in the sum of £7870.90. She highlighted that the Respondent had not paid any sums towards his rent since November 2025. It is understood that the Respondent lives alone at the property. The letting agents have previously been advised by the local authority that the Respondent had been experiencing depression following the loss of a family member. The letting agents had attempted to contact the Respondent directly concerning his rent arrears on a number of occasions. but the Respondent has failed to engage with the Applicant's letting agents and has ignored their communications on that matter. Ms Card submitted to the Tribunal that it was not reasonable for the Respondent to continue to reside in the property whilst no rent was being paid and where there was no reasonable prospect of recovery of the arrears which had accrued. Miss Card submitted that it was reasonable in the circumstances of this case to grant an eviction order.

24. The Tribunal considered whether it was reasonable to issue an eviction order under paragraph 3(2) of Ground 12.

25. In determining whether it is reasonable to grant the order, the Tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties
26. The Tribunal consider that it is reasonable to grant the eviction order.
27. In reaching a decision on whether it was reasonable to grant the order sought the Tribunal took account of the large level of rent arrears which have accrued. The Tribunal attached significant weight to the fact that the Respondent has ignored correspondence from the letting agents advising the Respondent of the level of arrears and urging him to make contact with them and to seek advice and assistance in relation to his finances. The Tribunal also attached significant weight to the fact that the Respondent has paid no rent in respect of his tenancy of the property since November 2025.
28. The balance of reasonableness is weighted towards the Applicant.
29. The Tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

Decision

30. In all the circumstances, the Tribunal grant an order against the Respondent for eviction from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016.
31. The decision of the Tribunal is unanimous.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Andrew Cowan

Legal Member/Chair

12th October 2026

Date

